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FISCAL IMPACT REPORT

ORIGINAL DATE 2/20/2007

SPONSOR Ortiz y Pino LAST UPDATED _____ HB _____

SHORT TITLE Albuquerque School Board Elections SB 959

ANALYST Aguilar

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY07	FY08		
	NFI		

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Public Education Department (PED)
Office of Educational Accountability (OEA)
Attorney General's Office (OEA)
Secretary of State (SOS)

SUMMARY

Synopsis of Bill

Senate Bill 959 is contingent upon the passage of the constitutional amendments proposed by Senate Joint Resolution 18 at the next statewide general election, and if so passed, it is contingent upon the adoption by the Albuquerque voters of a new scheme for electing and appointing members to the Albuquerque Public Schools Board at one of two elections provided by the bill and the resolution.

The bill would enact two provisions requiring the local school board for the "Albuquerque school district" to adopt resolutions dividing the district into four single-member districts, which shall be compact, contiguous and as nearly equal in population as practicable. Four members of the board would be elected from those districts, and an additional three members would be appointed by the Mayor of Albuquerque and confirmed by the Albuquerque City Council. Section 1 of the bill requires adoption of a resolution "no later than July 1, 2011" and requires an election to choose the four elected members at the regular school district election in February 2013. The new board will consist of elected and appointed members "on or after March 1, 2003. Section 2 requires that an identical resolution be adopted "no later than July 1, 2013", and

provides for the election of the four elected members at the regular school district election in February 2015.

The redundant provisions in the bill appear to implement the constitutional amendments proposed by Senate Joint Resolution 18 and the possibility of submitting the same question regarding changing the composition of the Albuquerque Public School Board to the voters at two different general elections.

The bill establishes procedures for appointing the three appointed members by the Mayor in Section 3. It provides for an advisory selection committee appointed by the Secretary of Education and its submission of 15 names to the Mayor, and procedures for choosing from those names.

The provisions of Section 1 of the bill are contingent upon voter approval of an amendment to the Constitution as proposed by Senate Joint Resolution 18, and the adoption of the provisions of that section by the voters at the 2010 general election. The provisions of Section 2 of the bill are contingent upon voter approval of the amendment to the Constitution as proposed by SJR 18, and the adoption of the provisions of that section by the voters at the 2012 general election. The provisions of Section 3 of the bill are contingent upon voter approval of an amendment to the Constitution as proposed by SJR 18, and the adoption of provisions of that section by the voters at either the 2010 election or 2012 election.

SIGNIFICANT ISSUES

This bill is contingent upon passage of Senate Joint Resolution 18, which, if approved by the voters statewide, would add a new provision to Article 12 of the New Mexico Constitution to allow the eligible voters in Albuquerque to vote on whether to change the composition of the Albuquerque Public School Board to have four elected members from districts, and three members appointed by the Mayor of Albuquerque. The resolution provides for submitting that question to the voters at 2010 general election. If the question is not adopted at that election, the resolution provides for submitting it to the voters again at the 2012 general election. If the question is not adopted at the 2012 election, then it may not be submitted to the voters again.

By containing redundant provisions the bill appears to implement the requirements of SJR 18 with regard to submitting questions to the Albuquerque voters at two consecutive general elections. The resolution, and the bill, provide for five different elections:

- 1) An election to determine whether the Constitution should be amended as proposed by SJR 18 which presumably will be determined at the general election in November, 2008.
- 2) If the constitutional amendments are adopted in November 2008, the Albuquerque voters would then decide whether to adopt the provisions of Section 1 of the bill changing the composition of the local school board, at the general election in 2010.
- 3) If the voters approve the provisions of Section 1 of the bill at the general election in 2010, then an election for the four elected members would be held in February 2013.
- 4) If the voters do not approve the provisions of Section 1 of the bill at the general election in 2010, then the question of whether to the adopt substantially identical provisions of Section 2 will be presented to them again at the general election in 2012.
- 5) If the voters approve the provisions of Section 2 of the bill at the general election in 2012, then an election for the four elected members would be held in February 2015.

If SJR 18 is adopted, the Albuquerque voters may approve or disapprove the provisions of Section 3 of the bill at either the 2010 or 2012 elections. If the voters disapprove of the provisions of Section 1 at the 2010 general election, and also disapprove the provisions of Section 2 at the 2012 general election, then SJR 18 prohibits submitting the question of changing the composition of the school board to the voters again. If that occurs, Albuquerque Public Schools will continue to be governed by seven member board elected from districts, as authorized by Article 12 Section 15 of the Constitution.

Local school districts and municipalities are separate political subdivisions of the state. This bill, if passed and all approval contingencies are met, would confer a right on administrative officials of one political subdivision (the City of Albuquerque) to appoint members of the governing body of another political subdivision (the Board of the Albuquerque Public School district). Given that relationship, it is unclear as to whether liability for school district operations will attach to the City of Albuquerque.

TECHNICAL ISSUES

It should be noted that resolution does not amend Article 12 Section 15 of the Constitution providing for the current seven member school board, with all members elected from districts.

PA/csd